BILL NO. G-75-04-29

GENERAL ORDINANCE NO. G-11-75

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of certain streets and alley in the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of certain streets and alley having been filed with the Fort Wayne City Plan Commission on March 24, 1975 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following:

All of Bossler Avenue, River Street and unnamed extensions thereof commencing at the northeast corner of Lot No. 5 in Wells Reserve
running along the north side of said Lot No. 5 along the north side
of Lot No. 6 in Eliza K. Bossler's Subdivision, which street thence
runs in a southerly direction along Lot No. 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, and 18 in the said Eliza K. Bossler's Subdivision,
and along Lots 3 and 4 of Bossler's Addition, terminating at its intersection with Spy Run Avenue. Certain portions of the foregoing
street description have at one time or another been designated River
Street.

Also that certain alley adjacent to the west side of Lots 3 through 7 in Bossler's Addition, Lots 1 though 8 in Bobilya's Subdivision, and on the east side of Lots 7 through 18 in Eliza K. Bossler's Subdivision.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilman Kraush.

APPROVED AS TO FORM AND LEGALITY,

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Read the first time in full and on motion by Meuse, seconded by	
( Ashmidh, and duly adopted, read the second time by title and referred	
to the Committee on Blq ulations (and the City Plan	
Commission for recommendation) and Public Hearing to be held after due legal notice	,
at the Council Chambers, City-County Building, Fort Wayne, Indiana, on,	
theday of, 197, at	
O'CIRCH P.M., E.S.T.	
Date: 4/22/35 Maybelle Waleron O.	
Read the third time in full and on motion by Arraus. ,	
seconded by	
Passed (LOST) by the following vote:	
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TOTAL VOTES 9 2	
BURNS &	
HINGA V	
KRAUS	
MOSES V	
NUCKOLS V	
SCHMIDT, D.	
SCHMIDT, V.	
STIER V	
TALARICO / ATT	
DATE: 5-13-75. SIMPLIFICATION	
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,	
as (Z <del>oning M</del> ap) (General) (Annexation) (Special) (Appropriation) Ordinance	
(Resolution) No. 10-11-15 on the 13-th day of Thry, 1975	
ATTEST: (SEAL)	
MINISTER STEER STEER STEER STEER	
	4
Presented by me to the Mayor of the City of Fort Wayne, Indiana, or the 14th, day of	2
day of	
	0
CITY CLERK	
Approved and signed by me this / 4 day of //2,	
at the hour of 11.30 o'clock A y.,E.S.T.	
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DIII No.
REPORT OF THE COMMITTEE ON REGULATIONS
We, your Committee on Regulations to whom was referred an Ordinance
amending General ORdinance No. G-97 by authorizing the vacation of certain
amending deneral Oxidinance No. 10 77 by authorizing the vacation of certain
streets and alley in the City of Fort Wayne
have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.
Eugene Kraus, Jr Chairman Eugene Kraus/
John Nuckols - Vice-Chairman John Muckols
Vivian G. Schmidt Thomas of Samuel
Paul M. Burns
Donald J. Schmidt
Bonata o. Schaldt
5-13-115 CUND 11 1
DATE 5 73-70 CHARLES W. WESTERMAN, CITY CLERK



March 25, 1975

### COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Bossler Avenue, River Street and alleys, located west of Spy Run Avenue and east of St. Marys River (Old Fort Project)

which was approved by the City Plan Commission at its regular meeting held March 24, 1975.

Respectfully submitted,

Certified and signed this 25th day of March, 1975.

Charles N. Hall Secretary

# RESOLUTION

WHEREAS, Historic Fort Wayne, Inc. has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and alley in Allen County, Indiana, to-wit:

All of Bossler Avenue, River Street, and unnamed extensions thereof commencing at the northeast corner of Lot No. 5 in Wells Reserve running along the north side of said Lot No. 5 along the north side of Lot No. 6 in Eliza K. Bossler's Subdivision, which street thence runs in a southerly direction along Lot No. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 in the said Eliza K. Bossler's Subdivision, and along Lots 3 and 4 of Bossler's Addition, terminating at its intersection with Spy Run Avenue. Certain portions of the foregoing street description have at one time or another been designated River Street.

Also that certain alley adjacent to the west side of Lots 3 through 7 in Bossler's Addition, Lots 1 through 8 in Bobilya's Subdivision, and on the east side of Lots 7 through 18 in Eliza K. Bossler's Subdivision,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, <u>Ind. Ann. Stat.</u> §53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

whereas, said public hearing was held on March 24, 1975, at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alley;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and alley hereinbefore described be and the same is hereby approved;

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

COUNTY OF ALLEN	) SS:	

I, Vivian G. Schmidt, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on \_\_\_\_March 24, 1975 \_\_\_, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 24th DAY OF March , 1975.

FORT WAYNE CITY PLAN COMMISSION

Vivian H. Schmidt

STATE OF INDIANA )
COUNTY OF ALLEN )

BEFORE THE CITY PLAN COMMISSION OF FORT WAYNE, INDIANA, AND THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

## PETITION TO VACATE STREETS AND ALLEY

Comes now HISTORIC FORT WAYNE, INC., and hereby petitions the City
Plan Commission of the City of Fort Wayne, Indiana, and the Common Council
of the City of Fort Wayne, Indiana, for the vacation of the certain public
streets and alley located in the City of Fort Wayne, Allen County,
Indiana, and described as follows:

All of Bossler Avenue, River Street and unnamed extensions thereof commencing at the northeast corner of Lot No. 5 in Wells Reserve running along the north side of said Lot No. 5 along the north side of Lot No. 6 in Eliza K. Bossler's Subdivision, which street thence runs in a southerly direction along Lot No. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 in the said Eliza K. Bossler's Subdivision, and along Lots 3 and 4 of Bossler's Addition, terminating at its intersection with Spy Run Avenue. Certain portions of the foregoing street description have at one time or another been designated River Street.

Also that certain alley adjacent to the West side of Lots 3 through 7 in Bossler's Addition, Lots 1 through 8 in Bobilya's Subdivision, and on the east side of Lots 7 through 18 in Eliza K. Bossler's Subdivision.

In support of its petition, Petitioner represents as follows:

- 1. Your Petitioner is the fee simple owner of Lots 3 through 7 in Bossler's Addition; 1 through 8 in Bobilya's Subdivision; Lot No. 5 in Wells Reserve, and Lots 6 through 11 in Eliza K. Bossler's Subdivision. Your Petitioner has an agreement with the City of Fort Wayne for the use of Lots 12 through 21 of Eliza K. Bossler's Subdivision for the purpose of the reconstruction of Old Fort Wayne. The real estate owned by the Petitioner and being used under license from the City are the only lots which would be affected by the aforesaid vacation.
- 2. The said portions of Bossler Avenue, River Street, and the alley requested to be vacated have never been improved, have rarely been open to the public, and is not needed for ingress or egress or as a right-of-way by your Petitioner, by any other property owner in the immediate area, or by any of the citizens of Fort Wayne, Indiana; most of River

Street as platted is on the bottom of the St. Mary's River; it is Petitioner's belief that the continued use of said alley and streets is not required for the growth of the City of Fort Wayne nor necessary for ingress or egress to any real estate within the City of Fort Wayne.

- 3. Your Petitioner has reason to believe that certain utility pipes and lines are located beneath certain portions of the aforedescribed streets and alley, but your Petitioner will cooperate fully in the granting to the City of Fort Wayne, Indiana, or any operating utilities, easements for the purpose of maintaining said utilities.
- 4. Your Petitioner is in the process of reconstructing the 1815 Whistler Fort on the above-described real estate. Your Petitioner has further plans for the development of a pioneer village outside the walls of the said Fort on said real estate.
- 5. Your Petitioner believes that the vacation of said alley will enable your Petitioner to make advantageous and proper development of the property for the public and private interest of the City of Fort Wayne, Indiana.

WHEREFORE, the undersigned, HISTORIC FORT WAYNE, INC., prays for the vacation of the aforesaid portions of Bossler Avenue, River Street, and adjacent alley as described according to the provisions of the Indiana law pertaining thereto, and for all other proper relief in the premises.

HISTORIC FORT WAYNE, INC.

Keith Barker, Presiden

Admn. Appr.

## DIGEST SHEET

Number assigned by Dave Keller's Office: # 3673

Street and Alley Vacation ordinance

TITLE OF ORDINANCE.

D-75-04-29

DEPARTMENT REQUESTING ORDINANCE COMMUNITY DEVELOPMENT AND PLANNING	
SYNOPSIS OF ORDINANCEPetitioners are requesting the vacation of /	
the following described property:	
Bossler Avenue, River Street and north-south alley, located west of	
Spy Run Avenue, east of St. Mary's River (OLD FORT PROJECT)	
,	
EFFECT OF PASSAGE If vacated, these streets and alley will be	
utilized by the Historic Fort Wayne, Inc., for the Old Fort Project.	
EFFECT OF NON-PASSAGEStreets and alleys will remain unopened	
and unimproved.	
-	
MONEY INVOLVED (Direct Costs, Expenditures, Savings) None	
ASSIGNED TO COMMITTEE (J.N.) Regulation JBS	
/	



## CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN CITY CLERK

May 15, 1975

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of May 19 and 26, 1975, in both the News Sentinel and Journal Gazette.

RE: Legal Notice of Common Council of Fort Wayne, Indiana Bill No. G-75-04-29 General Ordinance No. G-11-75

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Charles W. Westerman City Clerk

CWW/ne Encl: 1

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Common Grundl of Fort Meyme  Governmental Duity  Allen County, Ind FORI WAYNE, INDIANA  PUBLISHER'S CLAIM  PUBLISHER'S CLAIM  LINE COUNT  Display Matter (Must not exceed two actual lines, neither of which shall total more immore of equivalent lines  Head number of lines  Body number of lines  Total number of lines  Total number of lines in notice  COMPUTION OF CHARGES  — 120 lines, 1 columns wide equals 120 equivalent lines at 2886 cents per line  Additional charge Let notices containing rule or tabular work (50 per cent of above amount)  Charge for extra proofs of publication (30 cents for each proof in excess of two)  TOTAL AMOUNT OF CLAIM  DATA FOR COMPUTING COST  Width of single column 11 ems  Number of insertions 2 Size of type 5½ point  Number of insertions 2 Size of quad upon which type is cast 5½  Pursuant to the provision and penalties of Ch. 89, Acts 1967.  1 hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing credits, and that no part of the same has been paid.  ALLE Lamy account of proposity			State Board						Ge	neral For	111 140. 33	- (
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